

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN (SOUTHERN DIVISION)

NEVIN P. COOPER-KEEL, JR.

Plaintiff,

vs.

GARRETT KEEL-WORRELL,

Defendant.

Case No. 1:22-cv-01236-HYJ-SJB

Hon. Hala Y. Jarbou, Presiding

Hon. Sally J. Berens, Referral

ORAL ARGUMENT NOT REQUESTED

Nevin P. Cooper-Keel, Jr.
Plaintiff in pro per
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**DEFENDANT’S RENEWED MOTION FOR SUMMARY JUDGMENT PURSUANT TO
F.R.C.P. 12(b)(1) and 12(b)(6)**

NOW COMES Defendant, Garrett Keel-Worrell (“Defendant”) by and through his attorneys, Kreis, Enderle, Hudgins & Borsos, P.C., and hereby states the following for his Renewed Motion for Summary Judgment Pursuant to F.R.C.P. 12(b)(1):

1. Plaintiff Nevin P. Cooper-Keel, Jr.’s (“Plaintiff”) Complaint in this matter was filed on or about December 28, 2022.
2. Defendant originally filed a Motion for Summary Judgment (ECF No. 5). Instead of responding to the Motion, Plaintiff filed an Amended Complaint, which warrants summary judgment for the same reasons articulated in Defendant’s previous Motion for Summary Judgment and sanctions pursuant to Rule 11.
3. Plaintiff’s eight-count Amended Complaint alleges damages in sum certain amounts as follows:

- a. \$1,000,000 for “emotional distress”
 - b. \$600,000 for “setbacks to my business”
 - c. \$1,600,000 for “punitive damages”
4. However, these damages have not been pled with legal certainty, nor have any damages in excess of the Court’s jurisdictional minimum of \$75,000 been pled with legal certainty.
5. This is apparent from the face of the Complaint itself, wherein Plaintiff continues to needlessly criticize to the Allegan County Circuit Court and others, thereby admitting to his forum shopping and inflated damages.
6. Plaintiff likewise added a claim against Defendant under 42 U.S.C. § 1983. However, claims under this statute are for claims against state government employees and others acting “under color of state law.” Defendant is no such individual, and Plaintiff pleads no such allegation. Likewise, no private cause of action exists under 18 U.S.C. § 1512.
7. As such, this Court lacks subject matter jurisdiction, Defendant has failed to state a claim under § 1983, and this case must be dismissed.
8. Further, sanctions are warranted under F.R.C.P. 11 for the reasons more fully outlined in the forthcoming motion.

WHEREFORE, Defendant respectfully requests that the Court enter an order dismissing this case for lack of subject matter jurisdiction and awarding Defendant any other relief the Court deems just and equitable.

Nevin P. Cooper-Keel, Jr. v Garrett Keel-Worrell

Case No.1:22-cv-01236-HYJ-SJB

Defendant's Renewed Motion for Summary Judgment Pursuant to F.R.C.P. 12(b)(1)

Respectfully submitted,

KREIS, ENDERLE,
HUDGINS & BORSOS, P.C.

Dated: February 27, 2023

/s/ Sara E.D. Fazio

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